

**COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF FINANCIAL INSTITUTIONS
AGENCY CASE NO. 2009-AH-99**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

v.

KENTUCKY PAYDAY CASH ADVANCE, LLC

RESPONDENT

**FINAL ORDER DENYING APPLICATION FOR
RENEWAL LICENSES**

* * * * *

The Commissioner of the Department of Financial Institutions (“DFI”) hereby enters this **Final Order Denying Application for Renewal Licenses** for check casher/deferred deposit transaction entity Kentucky Payday Cash Advance, LLC (“Kentucky Cash Advance” or “Respondent”). In support, DFI states as follows:

STATEMENTS OF FACT

1. DFI is the agency of Kentucky state government charged with administering the provisions of Kentucky Revised Statute (“KRS”) Chapter 286.9 (the “Act”) governing check cashing/deferred deposit transactions, and the rules and regulations and orders enacted pursuant to the Act.

2. Pursuant to KRS 286.9-080, the Respondent applied for a renewal of licenses at the following locations: (1) 651 Knox Boulevard, Radcliff, Kentucky; (2) 6617 Preston Highway, Louisville, Kentucky; (3) 15053 Fort Campbell Boulevard, Oakgrove, Kentucky; and (4) 820 South Main Street, Madisonville, Kentucky (“License #251”).

3. During the review of the Respondent’s application, DFI uncovered evidence that a 2008 Consent Order had been entered into between the Respondent, its president, Loren Gill, and the

State of Washington (the “Order”) which permanently revoked the Respondent’s license and likewise forever bars it and Mr. Gill individually from re-entering the check cashing/deferred deposit transaction business in that state. In addition, the Respondent was required to pay restitution to borrowers in the amount of \$22,840.00.

4. On October 12, 2009, DFI sent the Respondent written notice of the denial via certified mail, return receipt requested in care of Loren Gill at 651 Knox Boulevard, Radcliff, Kentucky, 40160.

5. The Respondent signed for the notice on October 14, 2009.

6. More than twenty (20) days has passed and the Respondent has failed to respond to the notice or request a hearing in this matter.

STATUTORY AUTHORITY

1. KRS 286.9-020 states that “[e]xcept as provided in KRS 286.9-030, no person shall engage in the business of cashing checks or accepting deferred deposit transactions for a fee or other consideration without having first obtained a license. A separate license shall be required for each location from which the business of cashing checks or accepting deferred deposit transactions is conducted.”
2. KRS 286.9-080 provides for license renewal annually “for the ensuing twelve (12) months period upon the payment to the office annually on or before July 1 of each year a license fee of five hundred dollars (\$500) for the first location and five hundred dollars (\$500) for each additional location.”
3. KRS 286.9-070(1) obligates the executive director (now commissioner) to conduct an investigation to ascertain whether the applicant has met the qualifications outlined in KRS 286.9-040 before granting an application for renewal.

4. KRS 286.9-040(2)(c)4 provides that the commissioner may consider the “financial responsibility, financial condition, business experience, character, and general fitness of the applicant” to “reasonably warrant the belief that the applicant's business will be conducted honestly, carefully, and efficiently.” In making that determination, the commissioner may consider “[a]ny suspension or removal, by any agency or department of the United States or any state, from participation in the conduct of any business.” *See id.*
5. KRS 286.9-120 provides that no license shall be denied unless the applicant or licensee is afforded the opportunity for a hearing in accordance with Chapter 13B.

CONCLUSIONS

1. The Respondent applied for a renewal of licenses at the following locations: (1) 651 Knox Boulevard, Radcliff, Kentucky; (2) 6617 Preston Highway, Louisville, Kentucky; (3) 15053 Fort Campbell Boulevard, Oakgrove, Kentucky; and (4) 820 South Main Street, Madisonville, Kentucky (“License #251”).
2. In 2008, the State of Washington (the “Order”) entered a Consent Order which permanently revoked the Respondent’s license and likewise forever barred the Respondent and its President, Loren Gill, individually, from re-entering the check cashing/deferred deposit transaction business in that state. In addition, the Respondent was required to pay restitution to borrowers in the amount of \$22,840.00.
3. Thus, considering the revocation as part of the “financial responsibility, financial condition, business experience, character, and general fitness of the applicant,” it is not reasonable to believe that “the applicant's business will be conducted honestly, carefully, and efficiently.” *See* KRS 286.9-040(2)(c)4.

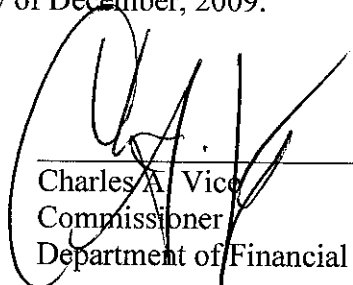
4. The application for renewal of license should be denied.
5. On October 12, 2009, DFI sent the Respondent written notice of the denial via certified mail, return receipt requested in care of Loren Gill at 651 Knox Boulevard, Radcliff, Kentucky, 40160.
6. The Respondent signed for the notice on October 14, 2009.
7. More than twenty (20) days has passed and the Respondent has failed to respond to the notice or request a hearing in this matter.

ORDER

Based upon the foregoing Statement of Facts, Statutory Authority, and Conclusions, the Commissioner **hereby ORDERS** as follows:

1. The application for renewal of License #251 for Kentucky Payday Cash Advance LLC is **DENIED** pursuant to KRS 286.8-090;
2. **Kentucky Payday Cash Advance LLC** is directed to immediately **CEASE** all check cashing/deferred deposit transactions activities in the Commonwealth of Kentucky, pending further notice or order;
3. Nothing in this Order shall prevent the DFI or any other authority from taking any further administrative or enforcement action under the Act or any other applicable law; and
4. This is a **FINAL AND APPEALABLE ORDER**. This Final Order shall become effective upon entry.

IT IS SO ORDERED on this the 14th day of December, 2009.



Charles A. Vice
Commissioner
Department of Financial Institutions

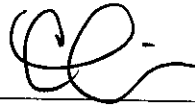
NOTICE OF APPEAL RIGHTS

Pursuant to KRS 286.9-120, you are hereby notified that you have the right to appeal this Final Order of the Commissioner. If you chose to appeal, you must file a **written Notice of Appeal with the Franklin Circuit Court within thirty (30) days after entry of this Final Order**. A copy of any Appeal Petition must also be served on the Commissioner. *See also* Chapter 13B of the Kentucky Revised Statutes.

Certificate of Service

I hereby certify that a copy of the foregoing Final **Order Suspending Registration** was sent by **certified mail, return receipt requested**, on this the 18th day of December, 2009, to the following:

Kentucky Payday Cash Advance, LLC
c/o Loren Gill, President
651 Knox Boulevard
Radcliff, Kentucky 40160



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